

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension)	
)	
of the Educators Certificate of)	CONSENT ORDER OF SUSPENSION
)	
Kelly M. West)	
)	
Certificate # 167556)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 9, 2003. On April 14, 2000, the State Department of Education (Department) sent a notice of hearing of the possible suspension or revocation of her South Carolina Educators Certificate (certificate) to Ms. Kelly M. West by certified mail, restricted delivery, and return receipt requested. Ms. West received this notice as evidenced by a postal receipt bearing her mother's signature. Ms. West initially requested a hearing, but asked that the hearing be postponed until all of the pending criminal charges were resolved. Since the Department was unable to contact her by mail on numerous occasions about the status of her case, the Greenville County Sheriff's Department served Ms. West with a hearing notice letter on October 29, 2002. On November 8, 2002, Ms. West again requested a hearing. Subsequent to this request, the Department and Ms. West, through her attorney, David Rutledge, Esquire, proposed to resolve this matter without a hearing by agreeing to the following terms: (1) her certificate will be suspended from the date she was terminated from employment on January 11, 2000, through June 30, 2005; (2) the suspension will be reported to the NASDTEC Clearinghouse and all school districts in South Carolina as a suspension on the grounds of unprofessional conduct, and commission of a crime involving drugs; (3) she will submit at her expense to random drug testing for a period of one year from the date of this order, with the results to be mailed directly from the testing site to the Office of General Counsel of the Department; and (4) this order will be maintained as a public record in the Office of General Counsel. After considering the evidence presented, the State Board voted to issue a Consent Order of Suspension on the terms set forth above.

Accepted:

Initial Here

Date:

Kelly M.
West
#167556

Ms. West holds an expired South Carolina certificate, and has over a year of teaching experience. Her certificate expired on July 1, 1999. During the 1999-2000 school year, Ms. West was a teacher at Berea High School in the Greenville Country School District (District). On January 11, 2000, the District dismissed Ms. West following the discovery by her principal that she was arrested on December 12, 1999, for possessing cocaine and drug paraphernalia. On February 13, 2001, Ms. West pled guilty to attempting to obtain a controlled substance by fraud, and obtaining a controlled substance by fraud. She was also convicted of several counts

of issuing fraudulent checks in 1998, 1999, and 2000. She agreed not to seek another teaching position while the criminal charges against her were pending. She revealed she had a health problem that caused her to behave in an irresponsible and illegal manner. She provided evidence from her counselor, her employer, and close friends that she has stabilized her life through medication and counseling, and is no longer under the influence of drugs. She indicates that teaching is her chosen profession and she would like to return to the classroom.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." Just cause includes: "unprofessional conduct," S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Ann. Regulation 43-58 (1992). The State Board finds that the preponderance of the evidence presented by the Department, supports its decision to accept the proposal of the parties to suspend Ms. West's certificate. Accordingly, the Board hereby suspends Ms. West's certificate # 167556 from January 11, 2000, through June 30, 2004, on the terms and conditions set forth above. If she wishes to have her certificate reinstated at the end of the suspension period, Ms. West may make a written request to the Office of Teacher Certification of the Department.

South Carolina State Board of Education

/S/ Greg Killian_____

Greg Killian

Chair

Columbia, South Carolina

September 9, 2003

I, Kelly M. West, SC Teaching Certificate # 167556, do hereby agree to this Order of Suspension, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Tuesday, July 8, 2003

7/19/03 _____ /S/ Kelly M. West _____
Date Signature